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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051444
Party	Defendant Michael Ness
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Date	03/07/2011
Attachments	ANSWER - BLACK KAT.pdf (4 pages)(452009 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

LI & FUNG (B.V.I.) Limited,

Petitioner

v.

MICHAEL NESS,

Registrant.

Cancellation No. 92051444

Mark: BLACK KAT

Registration No. 3,009,327

Commissioner of Trademarks
PO Box 1451
Alexandria, Virginia 22313-1451

REGISTRANT'S ANSWER TO THE PETITION

1. Registrant admits Paragraph 1.
2. Registrant has insufficient information or knowledge to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 2 and therefore denies same.
3. Registrant has insufficient information or knowledge to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 3 and therefore denies same.
4. Registrant has insufficient information or knowledge to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 4 and therefore denies same.
5. Registrant has insufficient information or knowledge to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 5 and therefore denies same.
6. Registrant has insufficient information or knowledge to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 6 and therefore denies same.
7. Registrant has insufficient information or knowledge to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 7 and therefore denies same.

8. Registrant has insufficient information or knowledge to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 8 and therefore denies same.
9. Registrant has insufficient information or knowledge to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 9 and therefore denies same.
10. Registrant denies Paragraph 10.
11. Registrant denies Paragraph 11.
12. Registrant has insufficient information or knowledge to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 12 and therefore denies same.
13. Registrant has insufficient information or knowledge to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 13 and therefore denies same.
14. Registrant denies Paragraph 14.
15. Registrant denies Paragraph 15.
16. Registrant denies Paragraph 16.
17. Registrant denies Paragraph 17.
18. Registrant denies Paragraph 18.
19. Registrant has insufficient information or knowledge to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 19 and therefore denies same.
20. Registrant has insufficient information or knowledge to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 20 and therefore denies same.
21. Registrant has insufficient information or knowledge to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 21 and therefore denies same.
22. Registrant denies Paragraph 22.

AFFIRMATIVE DEFENSES

19. Registrant's mark, BLACK KAT, evokes a substantially different commercial impression than the marks BLACK CAT, BLACK CAT and Design, BLACK CAT GOLD COLLECTION, and BLACK CAT GOLD COLLECTION and Design.

20. Upon information and belief, Petitioner does not have the exclusive right to use and register marks containing the phrase BLACK KAT or the terms BLACK and/or CAT and/or KAT for goods related to clothing and wearing apparel, or other goods and/or services.

21. Upon information and belief, Petitioner does not have the exclusive right to use and register BLACK KAT for any goods and/or services.


22. Upon information and belief, the following marks are registered on the federal trademark register in the same class at issue in the instant Petition:

<u>Reg. No.</u>	<u>Mark</u>	<u>Goods</u>
3,311,699	13 BLACK CATS	wearing apparel
3,365,449	CAT	footwear
2,234,260	CAT (Stylized)	wearing apparel
1,908,556	CAT (Stylized)	footwear
1,298,364	CAT	wearing apparel

23. Upon information and belief, Petitioner's mark is weak in the field of apparel and entitled to only a narrow scope of protection.

WHEREFORE, it is respectfully requested that this Cancellation be dismissed with prejudice.

Respectfully submitted,



VICTOR K. SAPPHIRE

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213-787-2523

Attorneys for Registrant

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing ANSWER TO THE PETITION was filed by first class mail, postage prepaid, this 7th day of March, 2011 upon the following:

Brent E. Routman
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NANCY PHILLIPS